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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,439	01/19/2001	Kazuma Kaneko	401022	7079

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EXAMINER

NGUYEN, LE V

ART UNIT PAPER NUMBER

2174

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/764,439	Applicant(s) KANEKO ET AL.	
	Examiner Le Nguyen	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/20/05</u>   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This communication is responsive to an amendment filed 7/25/05.
2. Claims 6-20 are pending in this application; and, claim 6 is an independent claim. Claims 1-5 have been cancelled; and claims 6, 13, 17 and 18 have been amended. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet *within the range of 50 to 150 words*. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 112***

5. Claims 8 and 13 contain the trademark/trade name Java. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe an object-oriented programming language developed by Sun Microsystems Inc. and, accordingly, the identification/description is indefinite.

***Claim Rejections - 35 USC § 103***

6. Claims 6, 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. ("DeLorme") in view of *Inside the Java Virtual Machine* ("*Inside JVM*").

As per claim 6, DeLorme teaches a navigation apparatus for providing navigation services comprising a platform block provided with hardware of the navigation apparatus and basic functions for controlling the hardware (col. 12, lines 3-19), a

navigation application processing block for providing navigation services using the basic functions provided in the platform block (fig. 1C; col. 14, lines 16-22; col. 27, lines 1-3; *GPS provides "Directions" and graphic representation of the user's progress*), an optional application processing block for providing optional services using any of the navigation services based on information acquired using the basic functions of the platform block (figs. 1(B-P); col. 14, lines 9-22; col. 26, lines 34-43; *optional services such as providing location and/or time/date "stamps" on digital photos or providing a substitute or complement for printed travel information such as paper maps or itineraries*) and an interface processing block for communicating with the optional application processing block and said navigation application processing block so as to enable any of the optional services to be executed (col. 8, lines 28-67). DeLorme does not explicitly disclose code executed on a virtual platform that is platform independent. *Inside JVM* teaches the Java programming language executed on a virtual platform for networked environments that is platform independent (pages 2, 4, 23-41, 78 and 127 and 128). Therefore, it would have been obvious to an artisan at the time of the invention to include *Inside JVM's* teaching of the Java programming language executed on a virtual platform that is platform independent to DeLorme's teaching of communicating with an application to enable optional services to be executed in order to provide users with a secure, robust, platform-independent program(s) to be delivered across networks and run on a great variety of computers and devices.

As per claim 7, the modified DeLorme teaches a navigation system for providing navigation services wherein the optional application processing block is executed on a

virtual platform and is independent of the platform block (DeLorme: col. 12, lines 3-19; *Inside JVM*: pages 4, 23-41, 78 and 127 and 128).

As per claim 8, the modified DeLorme teaches a navigation system for providing navigation services wherein the optional application processing block is executed on an a Java application executed on a Java virtual machine (DeLorme: col. 12, lines 3-19; *Inside JVM*: pages 4, 23-41, 78 and 127 and 128).

As per claim 9, the modified DeLorme teaches a navigation system for providing navigation services wherein the interface application block is executed on a Java application executed on a Java virtual machine (DeLorme: col. 12, lines 3-19; *Inside JVM*: pages 4, 23-41, 78 and 127 and 128).

As per claim 11, the modified DeLorme teaches a navigation system for providing navigation services wherein the navigation application processing block executes any of the navigation services in accordance with navigation control data supplied from the optional application processing block via the interface processing block and supplies navigation information data including an interim result or an execution result to the optional application processing block via the interface processing block (DeLorme: figs. 4A-6B; col. 14, lines 16-22; col. 49, line 51 through col. 50, line 11; col. 50, lines 45-57; col. 61, lines 12-32; col. 62, lines 45-57; col. 64, lines 50-63).

As per claim 12, the modified DeLorme teaches a navigation system for providing navigation services wherein the interface processing block generates, when it is determined that the navigation control data from the optional application processing block is composite navigation control data, plural navigation control data sets from the

composite navigation control data and supplies the plural navigation control data sets to the navigation application processing block (DeLorme: figs. 4A-6B; col. 14, lines 16-22; col. 49, line 51 through col. 50, line 11; col. 50, lines 45-57; col. 61, lines 12-32; col. 62, lines 45-57; col. 64, lines 50-63; *displayed are plural navigation control data sets including route data based on computation of data obtained from the GPS receiver*).

As per claim 13, the modified DeLorme teaches a navigation system for providing navigation services wherein the interface processing block communicates with the optional application processing block using one of socket communication and Java RMI/remote object communication protocol (DeLorme: figs. 1 and 4; col. 8, lines 58-67; *Inside JVM*: pages 377-388).

As per claim 14, the modified DeLorme teaches a navigation system for providing navigation services wherein the interface processing block communicates with the navigation application processing block using socket communication (DeLorme: figs. 1 and 4; col. 8, lines 58-67; *Inside JVM*: pages 377-388).

As per claims 15 and 16, the modified DeLorme teaches a navigation system for providing navigation services wherein the interface processing block acquires a remote optional application processing block from an external source using the basic functions of the platform block only when a communication service used by the remote optional application processing block is available for use (DeLorme: figs. 1A and 2A; *depicts downloading/uploading data*).

As per claim 17, the modified DeLorme teaches a navigation system for providing navigation services wherein the interface processing block displays a menu of remote

optional application processing block using the basic functions of said platform block, adds to the menu the remote optional application processing block when the remote optional application processing block is acquired from the external source and starts the acquired remote optional application processing block when selected from the menu (DeLorme: figs. 1A, 1G, 1(J-L) and 2A; col. 4, lines 34-44; *displayed is a menu of remote optional application processing block such as downloaded POIs in menu form*).

As per claim 18, the modified DeLorme teaches a navigation system for providing navigation services wherein said optional application processing block supplies a request for communication services to the interface processing block, and the interface processing block dynamically starts the requested communication services upon receipt of the request (DeLorme: figs. 1A, 1G, 1(J-L) and 2A; col. 4, lines 34-44).

As per claim 19, the modified DeLorme teaches a navigation system for providing navigation services wherein said interface processing block acquires a module for executing the requested communication services corresponding to the request when the module is not available (DeLorme: col. 23, lines 1-11).

As per claim 20, the modified DeLorme teaches a navigation system for providing navigation services wherein said optional application processing block provides collection and delivery information services using any of the navigation services, based on information acquired from a predetermined center using the basic functions of the platform block (DeLorme: col. 51, lines 1-41; col. 55, line 58 through col. 56, line 15; col. 71, lines 32-59).

As per claim 10, although the modified DeLorme teaches a navigation system for providing navigation services wherein the interface application block is provided with one of a method for exchanging data with the optional application processing block and one of a method for exchanging data with the navigation application processing block (DeLorme: figs. 4A-6B; col. 14, lines 16-22; col. 49, line 51 through col. 50, line 11; col. 50, lines 45-57; col. 61, lines 12-32; col. 62, lines 45-57; col. 64, lines 50-63; *the interface provides data exchange with the optional application block and data, and the navigational application block and data structure, wherein both the optional application block and navigational application block read and writes data*), the modified DeLorme does not explicitly disclose using a variable for holding a data value. Official Notice is taken that the use of variables as a place for holding data values is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include the use of variables to DeLorme's teaching of a navigation system for providing navigation services in order to provide users with an implementation preference.

### ***Response to Arguments***

7. Applicant's arguments with respect to claim 6 has been considered but is moot in view of the new ground(s) of rejection.

Furthermore, the Office notes that applicant did not contest the factual assertion set forth under Official Notice in paragraph two of section eight of the Office Action of 4/26/05.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Inquires***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LVN  
Patent Examiner  
December 13, 2005

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